POST THIS ORDER WHERE ALL EMPLOYEES MAY READ

MINIMUM WAGE:
Minimum wage rates and effective dates are as follows: $5.85 per hour effective June 26, 2004; $6.25 per hour effective June 27, 2005; and $6.50 per hour effective June 26, 2006. Should the federal minimum wage rate be prescribed as described in 29 U.S.C. Section 206(a)(1) be higher than Kentucky’s minimum wage rate will adjust to the federal rate. KRS 337.275

OVERTIME:
No employer shall employ any employee for a workweek longer than forty hours unless such employee receives compensation for employment in excess of forty hours in a workweek at a rate of not less than one and one-half times the hourly rate employed. This section does not apply to employees of retail stores engaged in work connected with selling, purchasing and distributing merchandise, wares, goods, articles or commodities, or to employees of a restaurant, hotel and motel operations, to employees as defined in the overtime provisions of the Fair Labor Standards Act in section 213(b)(1), 213(b)(10) and 213(b)(17) of Title 29, U.S.C. and employees as defined in KRS 337.285 Sec. 2(d) and 2(e). (KRS 337.285

EXEMPTIONS:
Minimum Wage (KRS 337.275) and Overtime (KRS 337.285) do not apply to: the following list of employees: (1) Any individual employed in a house or home situation, (a) Any individual employed in a bona fide executive, administrative, supervisory or professional capacity, or in the capacity of outside salesman, or as an outside collector as such terms are defined by administrative regulations of the Executive Director; (2) Any individual employed by the United States; (3) Any individual employed in a private home or in a private business. The provisions of this section shall include all individuals employed in domestic service in or about the home of an employer where there is more than one domestic servant regularly employed; (5) Any individual classified and given a certificate by the Executive Director of Workplace Standards showing a status of handicapped worker or sheltered workshop employee under administrative regulations promulgated by the Executive Director of Workplace Standards; (6) Employees of retail stores, service industries, hotels, motels, and restaurant operations whose average annual gross volume of sales made for business done is less than ninety-five thousand dollars for any four consecutive weeks ending not later than the twelfth of the month of the payment period, as defined in the regulations of the Executive Director; (7) Any individual employed in the capacities of a babysitter, as a companion, as a veritable personal companion, as a companion for the elderly, or as a companion for the mentally ill or any other member of the employee’s immediate family; (7) Any individual employed as a babysitter in the employee’s home or as a companion by a sick, convalescing or elderly person or by the person’s immediate family, to care for that sick, convalescing or elderly person and whose principal duties do not include housekeeping; (8) Any individual engaged in the delivery of newspapers to the consumer; (9) Any individual employed on provisions of KRS 5, 16, 270, and 1A and 1A of the Provider of the services of the Personnel Cabinet shall have the authority to prescribe by administrative regulations those emergency employees, or others, who shall receive overtime pay rates necessary for the efficient operation of government and the protection of affected employees; (10) Any employee employed by an establishment which is an organized nonprofit camp, religious, or nonprofit educational conference center, if it does not operate for more than seven months in any one calendar year; (11) Any employee employed in a family situation; (12) Any employee whose function is to provide 24 hour residential care on the employer’s premises in a parental role to children who are primarily dependent, neglected and abused and who are in the care of private nonprofit child caring licensed by the Cabinet for Health and Family Services under KRS Chapter 195; or (12) Any individual whose function is to provide 24 hour residential care in his or her own home as a family caregiver and who is approved to provide family caregiver services to an adult with a disability through the Home and Community Based Services Waiver established under KRS 210.370 to 210.460, or is certified or licensed by the Cabinet for Health and Family Services to provide adult foster care. (KRS 337.101(2)

TIPPED EMPLOYEES:
Any employee engaged in an occupation where more than $10 dollars per month is customarily and regularly received in tips, the employer may pay a minimum of $2.13 per hour if the employer’s records can establish for each week where credit is taken, when adding the tips received to wages paid, not less than the minimum wage is received by the employee. Subsequently, the tipped wage will adjust in accordance with the federal minimum tipped wage as prescribed by 29 U.S.C. Sec. 206(a)(1). No employer shall use all or any part of any tips or gratuities received by employees toward the payment of the minimum wage. (KRS 337.275(2)) No employer shall require any employee to remit to the employer any gratuity, or any portion thereof, except for the purpose of withholding amounts required by federal or state law. No employer shall require an employee to participate in a tip pool whereby the employer is required to remit to the pool any gratuity, or any portion thereof, for distribution among employees of the employer. Employers may voluntarily enter into an agreement to divide gratuities among themselves. The employer may inform the employees of the existence of a voluntary pool and the customary tipping arrangements of the employees at the establishment. Upon petition by the participants in the voluntary pool, and at the employer’s own option and expense, an employer may provide custodial services for the safekeeping of funds placed in the pool if the account is properly identified and segregated from the other business records and open to examination by pool participants. (KRS 337.065

RECORDS:
Every employer subject to the provisions of the Kentucky Minimum Wage Law shall make and preserve records containing the following information: (a) Name, address, and Social Security number of each individual employed, and the date each employee is added and each employee is separated from the work of the employer; (b) Regular hourly rate of pay; (c) Overtime hourly rate of pay for hours in excess of forty hours in a workweek; (d) Additional tips received by tips received by any individual employed in the occupation where more than $10 dollars per month is customarily and regularly received in tips; (e) From straight wages in the amount earned, or at cost of the employer for which deductions are made; (f) Total wages paid for each workweek and date of payment. Such records shall be kept on file for at least one year after entry. No particular form or order is prescribed for these records provided that the information required is easily obtainable for inspection purposes. (KRS 337.320

REST PERIODS:
No employer shall require any employee to work without a rest period of at least 10 minutes during each 4 hours worked except those employees who are under the Federal Railway Labor Act. This shall be in addition to the regularly scheduled lunch period. No reduction in compensation shall be made for hourly or salaried employees. (KRS 337.335

LUNCH PERIODS:
Employers, except those subject to the Federal Railway Labor Act, shall grant their employees a reasonable period for lunch, and such time shall be as close to the middle of the employee’s scheduled work shift as possible. No employee shall be required to take a lunch period sooner than 3 hours after the work shift commences, nor more than five (5) hours from the time the work shift commences. This section shall not be construed to negate any provision of a collective bargaining agreement or mutual agreement between the employee and employer. (KRS 337.355

PAYMENT OF WAGES:
Any employee who leaves or is discharged from employment shall be paid in full all wages or salary earned not later than the next normal pay period following the date of dismissal or voluntary or involuntary leaving on or before 14 days following such date of dismissal or voluntary or involuntary leaving whichever occurs. (KRS 337.025

UNLAWFUL FOR EMPLOYER TO WITHHOLD WAGES:
No employer shall withhold from any employee’s wages any part of the agreed wage rate; unless (a) the employee is required to do so by local, state, or federal law; or (b) when a deduction is expressly authorized in writing by the employer to cover insurance premiums, hospital, or medical; or (c) each deduction not amounting to a rebate or deduction from the standard wage arrived at by collective bargaining or pursuant to wage agreement or statute; or (d) for union dues for such deductions are authorized by union wage agreements or collective bargaining contracts negotiated between employers and employees or their representatives. No employer shall deduct the following from the wages of any employee: (a) Cash advances or repayment of cash advances to the employee; (b) Cash shortages in the amount of money represented by the cash box or register, used by two (2) or more persons; (c) Breakage; (d) Losses due to acceptance by an employee of checks which are subsequently dishonored if such employee is given discretion to accept or reject any check; or (e) Losses due to defective or faulty workmanship, lost or stolen property, damage to property, payment of default of customer credit or nonpayment for goods or services received by the customer if such losses are not attributable to employee’s willful or intentional disregard of employer’s interest. (KRS 337.005

TIME AND A HALF FOR WORK DONE ON SEVENTH DAY OF WEEK:
Any employer permits any employee to work seven days in any one workweek shall pay the rate of time and a half for the time worked on the seventh day. The above shall not apply in any case in which the employer is not required to work more than forty hours during the workweek; or to telephone exchanges having less than five hundred subscribers; or to witnesses, stenographers, bookkeepers or technical assistants of professions such as doctors, accountants, lawyers and other professions or occupations under the laws of this state; employees subject to the Federal Railway Labor Act and seamen or persons engaged in operating boats or other water transportation facilities upon navigable streams; persons engaged in ice cream, shoe, or bakery work; persons employed under the supervision of the Department of Vehicle Regulation; and any officer, superintendent, foreman or supervisor whose duties are principally limited to directing or supervising other employees. (KRS 337.050

PERFORMANCE BONDS:
Except for employers who have been doing business in the state for five (5) consecutive years, every employer engaged in construction work, or the severance, preparation, or transportation of minerals, shall furnish a bond in a form prescribed by the Executive Director a performance bond to assure the payment of all wages due from the employer. Surety for the bond shall be an amount equal to the employer’s gross payroll during the full capacity for four (4) weeks. (KRS 337.200

ADDITIONAL INFORMATION:
Kentucky Labor Cabinet
Division of Employment Standards
Apprenticeship and Mediation
1047 U.S. HWY 127 South, Suite 4
Frankfort, Kentucky 40601-4381
Phone: (502) 564-2370 Fax: (502) 564-2249
Website: www.labor.ky.gov

“No individual in the United States shall, on the grounds of race, color, religion, sex, national origin, age, disability, political affiliation or belief, be excluded from participation in, or denied the benefits of, or be subjected to discrimination under any program or activity under the jurisdiction of the Kentucky Department of Labor.”

PAID FOR WITH STATE FUNDS